

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

CASE NO: 21-20367

V

Hon. LINDA V. PARKER
United States District Judge

ANTHONY CASSANI
Defendant.

SENTENCING MEMORANDUM

FACTS OF THE CASE

Mr. Cassani is charged with Count one by way of an information with theft of government property less than \$1,000 (misdemeanor) pursuant to 18 U.S.C. § 641. On June 29, 2021 Mr. Cassani plead guilty to the information pursuant to a Rule 11 plea agreement wherein Mr. Cassani admitted the following: On March 30, 2020 while employed by a cleaning crew hired to sanitize office space being used by the FBI, Mr. Cassani used his smart phone to photograph a chart located in an FBI agent's cubicle. The chart included photos, facial images and names of individuals under investigation by the FBI for gang activity. Mr. Cassani posted the photo on social media, specifically Instagram. Through re-posting and sharing on social media, the photograph ended up on the hands of street gangs as well as

other member of the public.

The Rule 11 plea agreement called for any potential imprisonment not exceed the mid-point of the guidelines and one year of supervised release. Counsel for Mr. Cassani recommends that the court impose a sentence of probation without incarceration, and in support of states as follows:

PERSONAL CHARACTERISTICS AND BACKGROUND

Through a law enforcement investigation, Mr. Cassani was identified as a person who initially posted the gang photo on Instagram. The FBI confronted Mr. Cassani at work and he spoke with and fully cooperated with law enforcement. Mr. Cassini's cooperation with law enforcement began immediately after the FBI contacted him. Mr. Cassani admitted his involvement in the theft of government property including that he took the photo and posted it on Instagram. Although Mr. Cassani indicated it was not his intent to thwart an ongoing FBI investigation, he admits his actions hastened law enforcements investigation with regard to the individuals depicted in the stolen photo.

The fact that Mr. Cassani cooperated immediately and without counsel is an important factor in terms of the court considering a sentence of supervised release. Incriminating statements of an accused are some the most powerful evidence in a prosecution. When those statements are made immediately following arrest or apprehension, it can spare valuable and scarce law enforcement investigative

resources. Mr. Cassini's cooperation likely verified knowledge known to law enforcement and provided additional information with regard to their investigation. Mr. Cassian's immediate cooperation allowed law enforcement to have a clear picture of his involvement in this case. The cooperation was done without counsel, making Mr. Cassani particularly susceptible to a wide variety of options available to the government in terms of detention, strength of the government's prima facie case and the criminal penalty. The defense argues this fact not to garner sympathy but, to highlight Mr. Cassini's cooperation, its benefit to law enforcement, the government and, that it was without the counsel- a precarious proposition for any defendant.

Mr. Cassani is and has been in full compliance with the conditions of release without violation since his arraignment. Mr. Cassani elected to proceed by an information, sparing the government from charging by way of an indictment. He plead in a timely manner and consistent with the court's scheduling order. These are all factors that support the court considering a sentence of Probation.

EMPLOYMENT

Mr. Cassani has stable employment at Serve Pro where he was recently promoted. He is responsible for estimating repair work. Mr. Cassini's work history shows a slow but steady increase in responsibility and wages. This work history is consistent with his work skills. His record of seeking successive

employment with increased responsibility and wages is a factor that supports a sentence of Probation.

FAMILY AND PERSONAL LIFE

Mr. Cassani has the support of his family. Counsel has met with Mr. Cassani and his parents who are needless to say, disappointed in the behavior that brings him before the court, yet continue support of his rehabilitation and future. The support from his family is definitely a positive in his life. Mr. Cassani is also in a stable and supportive relationship with his live together partner, Joyce Gray. Counsel has been informed by Mr. Cassini's family that Ms. Gray is a positive and stabilizing force in his life. The above listed factors support the defense sentence recommendation of Probation.

CRIMINAL HISTORY

Mr. Cassini's criminal history is minor yet it consists of three prior misdemeanor convictions in state court. Additionally, his success while on supervision was spotty. Counsel would argue that Mr. Cassani has matured slowly. In this respect Mr. Cassani is similar to other young men. Mr. Cassani is still a very young man having reached the age of 22 years old. His criminal history consists of crimes of an impulsive nature no doubt hastened by immaturity. He is

likely nearing the age when most males reach full brain development. Cognitive maturity will very likely bring impulse control and curb his petty crimes and misdemeanor behavior. The momentum of his employment and personal life are moving in a positive direction. Probations conditions suggested by the Court or by the Probation Department will support and continue Mr. Cassini's positive direction his life is heading.

GUIDELINES

Mr. Cassani scores out to a criminal history level III. His base offense level is six. With Mr. Cassini's demonstrated acceptance of responsibilities his offense level is lower by two points, making his final offense level, a level four. This results in Mr. Cassini's applicable guideline range 0-6, zone, A. Although Mr. Cassani has three prior offenses that are scored under the guidelines, they are all misdemeanors. As the Court is aware, with a guideline range of 0-6 zone A, the possible sentence available to the Court are: one year supervised release, up to three years' probation (due to the offense level being level four), community confinement, home detention or intermittent confinement.

For the reason's stated above, counsel for defendant requests the court impose a sentence of probation.

Respectfully submitted,

Mark Gatesman
Attorney for Defendant Anthony

Cassani

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Certificate of Service

I Mark Gatesman hereby certify that a copy of the foregoing sentencing memorandum for Anthony Cassani 21-CR-20367 has been furnished to the office of Assistant United States Attorney, Eaton Brown by CM/ECF on this the 21th, day of September 2021.

Mark Gatesman (P56139)

Mark Gatesman Attorney for Anthony Cassani